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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,152	09/17/2003	Kentaro Aoki	0717-0514P	4171
2292	7590	09/07/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WANG, GEORGE Y	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/664,152	AOKI, KENTAROH	
	<b>Examiner</b> George Y. Wang	<b>Art Unit</b> 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 June 2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) 6-14 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-5 is/are rejected.  
 7) Claim(s) 2 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Election/Restrictions***

1. Newly submitted claims 6-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species of the claimed invention:

(1) a backlight unit for an LCD comprising a light guide plate including an end side and a broad side, a light amount reducing member for reducing the amount of light source light, and where the light amount reducing member is provided at a joint portion of the end side and the broad side and portions neighboring the joint portion of the light guide plate comprising a first embodiment corresponding to claims 1-5;

(2) a backlight unit comprising a light guide plate for transmitting and receiving a source light, a light amount reducing member, a source light propagating through the light guide plate, and where the light amount reducing member is provided on a selected portion of the light guide plate to reduce the source light passing through only a selected portion of the plate comprising a first embodiment corresponding to claims 6-14.

Since applicant has received an action on the merits for the originally presented invention and none of the claims are generic, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 6-14

are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Drawings***

2. The corrected drawings received on June 21, 2005 are acknowledged and accepted.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuya et al. (JP 11-142841, hereafter “Kazuya”).

5. As to claim 1, Kazuya discloses a backlight unit (Fig. 1) comprising a linear light source (4), a light guide plate (5), a light reducing member (conductive film, 1) that is capable of transmitting light (since the light is transmits through the film and is reflected by the reflection sheet (3). Kazuya depicts in Fig. 1, that light source (4) is input to an end side of the light guide plate (5) and is outputted through a broad side of the light guide plate. It can clearly be seen from Fig. 1 that Kazuya teaches that the light amount

reducing member (1) is provided at the corner (joint portion) of the end and broad side portions and portions neighboring the joint portions of the light guide plate (1) (note: Examiner considers the corner of the light guide plate as the joint portion and the portions neighboring the joint portions are along the broad side of the light guide plate).

6. As to claims 3 and 4, Kazuya discloses the backlight unit as recited above, where the light amount reducing member (1) is a conductive film, as recited in instant claim 3 and is electrically connected to the cover (6) (i.e., connected to the ground) (please see the abstract), as recited in instant claim 4.

7. As to claim 5, Kazuya discloses a liquid crystal display apparatus comprising a backlight unit (Fig. 1) as recited above, comprising a linear light source (4), a light guide plate (5), a light reducing member (conductive film, 1) that is capable of transmitting light (since the light is transmits through the film and is reflected by the reflection sheet, 3). Kazuya depicts in Fig. 1, that light source (4) is input to an end side of the light guide plate (5) and is outputted through a broad side of the light guide plate. It can clearly be seen from Fig. 1 that Kazuya teaches that the light amount reducing member (1) is provided at the corner (joint portion) of the end and broad side portions and portions neighboring the joint portions of the light guide plate (1) (note: Examiner considers the corner of the light guide plate as the joint portion and the portions neighboring the joint portions are along the broad side of the light guide plate). Kazuya also discloses a liquid crystal panel (9) on the broad side of the light guide plate (5), hence the broad side of

the back light unit. The liquid crystal display device is capable of obtaining high picture quality and hence is capable of performing liquid crystal display using the light source light of the back light unit, as recited.

***Allowable Subject Matter***

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As the claims were read and interpreted in light of the specification, the prior art of record fails to specifically disclose a backlight unit comprising a light amount reducing member in the shape of an "L" extending from the end side to the broad side.

***Response to Arguments***

9. Applicant's arguments filed June 21, 2005 have been fully considered but they are not persuasive.

Applicant argues that element 1 of the Kazuya reference is not capable of transmitting light and alleges that because it is behind reflector (3), light from source 4 entering plate 5 is reflected by reflector 3 and therefore never reaches the conductive film. However, it is noted that nowhere in the claims does it state that the conductive film is capable of transmitting light from the source. In fact, the claim merely recites "capable of transmitting light." As a result, this light could be the light that enters

opposite the light source, such as in transflective displays. But assuming Applicant's argument is correct, it should be noted that the claim limitation "capable of transmitting light" has not patentable weight. It has been held that the recitation that an element is "adapted to" or "capable of" perform(ing) a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138.

As a result, Applicant's arguments are not persuasive and rejection is proper.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Y. Wang whose telephone number is 571-272-2304. The examiner can normally be reached on M-F, 8 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gw  
September 6, 2005



DUNG T. NGUYEN  
PRIMARY EXAMINER